

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10859-NG

MRS. ANN GAGLIARDI,)
)
Plaintiff,)
)
v.)
)
SOVEREIGN BANK,)
)
Defendant.)
)

Plaintiff's Motion for Leave to File a Supplemental Memorandum

Now comes the Plaintiff with this Motion for Leave to File a Supplemental Memorandum in Support of Plaintiff Mrs. Ann Gagliardi's Motion for Preliminary Injunction Based Upon the Plaintiff's First Amended Complaint and Demand for Jury Trial. In addition, the Motion for Leave, is also based upon matters raised during the Preliminary Injunction hearing by the Defendant Sovereign Bank. Further, the Motion for Leave is based upon the Courts inquiry into the applicability of the Equal Credit Opportunity Act (ECOA) to the Plaintiff.

During the hearing Sovereign made a number of representations to the Court concerning the applicability of the Regulation B, 15 USCS Appx 12 CFR § 202.7 (2005) to the Plaintiff. Those representations are inaccurate and incorrect. The Supplemental Memorandum deals specifically with ECOA and the regulations application to the Plaintiff's situation. In addition, the Supplemental Memorandum demonstrates how the

facts and circumstances relating to the ECOA claim are also directly applicable to the reasonable likelihood of success of the other counts (non-federal) in the First Amended Complaint.

Given the importance of the Plaintiff demonstrating the likelihood of success on the merits, and the irreparable harm that would result from the foreclosure, the Plaintiff respectfully asks the Court to accept the Supplemental Memorandum because the Plaintiff believes that the information contained in will assists the Court in evaluating the Plaintiff's position and the likelihood of success on the merits of all of her claims.

Respectfully Submitted,

Mrs. Ann Gagliardi,
By her counsel,

LAW OFFICES OF MICHAEL C. MCLAUGHLIN

Dated: September 9, 2005 By: /s/ Michael C. McLaughlin, Esq.
(BBO# 367350)
One Beacon Street, 33rd Floor
Boston, MA 02108
(617) 227-2275

CERTIFICATE OF SERVICE

I certify that a copy of the Plaintiff's Motion for Leave to File a Supplemental Memorandum in Support of Plaintiff Mrs. Ann Gagliardi's Motion for Preliminary Injunction Based Upon The Plaintiff's First Amended Complaint was served on the following person on this date and in the manner specified herein: Electronically Served Through ECF: Kathleen C. Stone, Esquire, counsel for the Defendant.

Dated: September 9, 2005

/s/ Michael C. McLaughlin, Esq.

CERTIFICATION UNDER LOCAL RULES 7.1

I, Michael C. McLaughlin, certify that I have conferred with opposing counsel and have attempted in good faith to resolve and narrow the issue.

Dated: September 9, 2005

/s/ Michael C. McLaughlin, Esq.
BBO# 337350
Law Offices of Michael C. McLaughlin
One Beacon Street, 33rd Floor
Boston, MA 02108
(617) 227-2275